

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 113
PROPOSED HOUSE COMMITTEE SUBSTITUTE S113-CSBN-45 [v.11]
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Short Title: Education Omnibus.

(Public)

Sponsors:

Referred to:

February 25, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT CERTAIN SCHOOL PSYCHOLOGISTS FROM NORTH CAROLINA
3 PSYCHOLOGY BOARD LICENSURE; TO CREATE A STATUTORY DEFINITION
4 FOR "YEAR-ROUND SCHOOL"; TO MAKE MODIFICATIONS TO THE 2020-2021
5 SCHOOL CALENDAR REQUIREMENTS TO EXPAND THE USE OF REMOTE
6 LEARNING DAYS AND ALLOW MODIFICATIONS FOR SINGLE-TRACK YEAR-
7 ROUND SCHOOLS; TO CLARIFY THAT SCHOOL NUTRITION FUNDS FROM THE
8 CORONAVIRUS RELIEF FUND ARE FOR EMERGENCY SCHOOL NUTRITION
9 SERVICES, AUTHORIZE THE USE OF THESE FUNDS FOR THE SUMMER FOOD
10 SERVICE PROGRAM, AND EXTEND THE PERIOD OF USE FOR THESE FUNDS
11 UNTIL DECEMBER 30, 2020; TO ALLOW LME/MCO REINVESTMENT PLANS TO
12 INCLUDE PROVIDING ASSISTANCE TO PUBLIC SCHOOL UNITS; TO CHANGE A
13 CHARTER SCHOOL REPORT DATE; TO DESIGNATE THE SUPERINTENDENT OF
14 PUBLIC INSTRUCTION AS AN APPROVER OF PRIVATE ACTIVITY BONDS; TO
15 REVISE THE CALCULATION OF THE SCHOOL ADMINISTRATOR INTERN
16 STIPEND; TO REQUIRE THAT HIGH SCHOOL SENIORS COMPLETE THE FREE
17 APPLICATION FOR FEDERAL STUDENT AID AS A GRADUATION
18 REQUIREMENT; TO EXTEND THE GRANT TERM FOR THE NORTH CAROLINA
19 TRANSFORMING PRINCIPAL PREPARATION PROGRAM; AND TO REQUIRE THE
20 STATE BOARD OF EDUCATION AND THE UNIVERSITY OF NORTH CAROLINA
21 SYSTEM OFFICE TO STUDY LITERACY INSTRUCTION.

22 The General Assembly of North Carolina enacts:

23
24 **PART I. SCHOOL PSYCHOLOGIST LICENSURE EXEMPTION**

25 **SECTION 1.** G.S. 90-270.4(c) reads as rewritten:

26 "(c) Persons ~~certified-licensed~~ by the State Board of Education as school psychologists
27 and serving as ~~regular-salaried~~ employees or contractors of the Department of Public Instruction
28 or ~~local boards of education~~ any public school unit are not required to be licensed under this
29 Article in order to perform the duties for which they serve the Department of Public Instruction
30 or ~~local boards of education~~ public school unit, and nothing in this Article shall be construed as
31 limiting their activities, services, or titles while performing those duties for which they serve the
32 Department of Public Instruction or ~~local boards of education~~ public school units. If a person
33 ~~certified-licensed~~ by the State Board of Education as a school psychologist and serving as a
34 ~~regular-salaried~~ an employee or contractor of the Department of Public Instruction or a ~~local~~
35 ~~board of education~~ public school unit is or becomes a licensed psychologist under this Article,
36 he or she shall be required to comply with all conditions, requirements, and obligations imposed



by statute or by Board rules upon all other licensed psychologists as a condition to retaining that license. Other provisions of this Article notwithstanding, if a person ~~certified-licensed~~ by the State Board of Education as a school psychologist and serving as ~~a regular-salaried-an employee or contractor~~ of the Department of Public Instruction or a ~~local board of education-public school unit~~ is or becomes a licensed psychological associate under this Article, he or she shall not be required to comply with the supervision requirements otherwise applicable to licensed psychological associates by Board rules or by this Article in the course of his or her ~~regular-salaried-employment or contractual relationship~~ with the Department of Public Instruction or a ~~local board of education-public school unit~~, but he or she shall be required to comply with all other conditions, requirements, and obligations imposed by statute or a ~~local board of education-public school unit~~ or by Board rules upon all other licensed psychological associates as a condition to retaining that license."

PART II. DEFINITION OF YEAR-ROUND SCHOOL

SECTION 2.(a) G.S. 115C-84.2(d) reads as rewritten:

"(d) Opening and Closing Dates. – Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall be no earlier than the Monday closest to August 26, and the closing date for students shall be no later than the Friday closest to June 11. On a showing of good cause, the State Board of Education may waive the requirement that the opening date for students be no earlier than the Monday closest to August 26 and may allow the local board of education to set an opening date no earlier than the Monday closest to August 19, to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. ~~For purposes of this subsection, the term "good cause" means that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations. The~~ The required opening and closing dates under this subsection shall not apply to any school that a local board designated as having a modified calendar for the 2003-2004 school year or to any school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a ~~modified calendar school.~~"

SECTION 2.(b) G.S. 115C-84.2 is amended by adding a new subsection to read:

"(f) Definitions. – The following definitions shall apply in this section:

(1) Reserved.

(2) Good cause. – When schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations.

(3) Reserved.

(4) Reserved.

(5) Modified calendar school. – A school that a local board designated as having a modified calendar for the 2003-2004 school year or a school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a modified calendar.

(6) Reserved.

(7) Reserved.

(8) Reserved.

(9) Reserved.

(10) Year-round school. – A school with a single- or multi-track instructional calendar to provide instructional days throughout the entire school calendar year, beginning July 1 and ending June 30, by utilizing at least one of the following plans:

- a. A plan dividing students into four groups and requiring each group to be in school for assigned and staggered quarters each school calendar year.
- b. A plan providing students be scheduled to attend 45 instructional days followed by 15 days of vacation, repeated throughout the school calendar year.
- c. A plan dividing the school calendar year into five nine-week sessions of classes and requiring each student to attend four assigned and staggered sessions out of the five nine-week sessions to complete the student's instructional year."

SECTION 2.(c) This section is effective when it becomes law and applies beginning with the 2021-2022 school year.

PART III. MODIFICATIONS TO 2020-2021 SCHOOL CALENDAR

SECTION 3.(a) Subdivision (6) of Section 2.1 of S.L. 2020-3 reads as rewritten:

"(6) Year-round school. – A school with a single or multi-track instructional calendar that was adopted prior to March 1, 2020, and provides instructional days in compliance with Section 2.11(b)(1) of this Part throughout the entire school calendar year, beginning July 1 and ending June 30, by utilizing at least one of the following plans:

- a. A plan dividing students into four groups and requiring each group to be in school for assigned and staggered quarters each school calendar year.
- b. A plan providing students be scheduled to attend 45–an average of between 44 and 46 instructional days followed by an average of between 15 and 20 days of vacation, repeated throughout the school calendar year.
- c. A plan dividing the school calendar year into five nine-week sessions of classes and requiring each student to attend four assigned and staggered sessions out of the five nine-week sessions to complete the student's instructional year."

SECTION 3.(b) Section 2.11(b) of S.L. 2020-3 reads as rewritten:

"SECTION 2.11.(b) School Calendar. – Except as otherwise provided in this subsection, the requirements of G.S. 115C-84.2, including the requirement that a school calendar consist of 215 days, apply to the 2020-2021 school calendar for local school administrative units. The provisions of this subsection supersede any school calendar adopted by a public school unit prior to the enactment of this Part. For the 2020-2021 school year only, the following applies to the school calendar for public school units:

(1) Notwithstanding any provisions of G.S. 115C-75.8(d)(9), 115C-84.2(a)(1), 115C-150.12, 115C-218.85(a)(1), 115C-238.53(d), 115C-238.66(1)d., 116-239.8(b)(2)c., and Section 6(e) of S.L. 2018-32 to the contrary, each public school unit shall adopt a calendar that includes 190 days of instruction as follows:

- a. 185 days or 1,025 hours of instruction that include five remote instruction days in accordance with the Plan developed pursuant to subsection (a) of this section. Each of the five remote instruction days

- 1 may be scheduled in the discretion of the public school unit, except as
2 provided in subdivision (2) of this subsection.
- 3 b. An additional five instructional days that shall be satisfied only by five
4 individually separate and distinct full instructional days and not by an
5 accumulation of instructional hours.
- 6 (2) Notwithstanding any provisions of G.S. 115C-84.2(d) to the contrary, each
7 local school administrative unit shall adopt a school calendar in accordance
8 with the following:
- 9 a. Except for schools defined in subdivision (4) or (6) of Section 2.1 of
10 this Part, an opening date for students of August 17, 2020.
- 11 b. Except for schools defined in subdivision (4) or (6) of Section 2.1 of
12 this Part, a closing date for students no later than June 11, 2021.
- 13 c. No remote instruction day shall be scheduled prior to August 24, 2020,
14 unless the school operates on a year-round or modified calendar
15 schedule. A year-round or modified calendar school shall not schedule
16 a remote instruction day prior to the sixth instructional day of the
17 year-round or modified calendar.
- 18 c1. A local board of education may alter the adopted calendar of a
19 single-track year-round school in a manner that no longer meets the
20 requirements of Section 2.1(6)b. of this act, if both of the following
21 are met:
- 22 1. The local board of education determines the modification is
23 necessary to ensure the health and safety of students.
- 24 2. The altered calendar complies with all other requirements for
25 year-round schools in this section.
- 26 d. Remote instruction days may be scheduled for use as teacher
27 workdays, including as teacher workdays on which teachers may take
28 accumulated vacation leave, provided that remote instruction material
29 is prepared and provided for students to use during the remote
30 instruction days. Local school administrative units may, in their
31 discretion, schedule remote instruction days as teacher workdays to
32 facilitate completion of first semester course exams prior to a winter
33 holiday period. This sub-subdivision only applies to the five remote
34 instruction days scheduled as required by sub-subdivision a. of
35 subdivision (1) of this subsection.
- 36 e. The following apply for a local school administrative unit granted a
37 good cause waiver for the 2020-2021 school year:
- 38 1. The opening date for students shall not be earlier than August
39 17, 2020, except for schools defined in subdivision (4) or (6)
40 of Section 2.1 of this Part.
- 41 2. Up to an additional five remote instruction days may be used,
42 if those days are (i) provided in accordance with the
43 requirements of this subsection for remote instruction days and
44 (ii) used solely as make-up days for days on which schools
45 have been closed due to inclement weather or other emergency
46 situations.
- 47 (3) ~~If, during the 2020-2021 school year, a state of emergency or disaster is~~
48 ~~declared under Chapter 166A of the General Statutes ordering school closure~~
49 ~~for more than five days, If the governing board of a public school unit~~
50 ~~determines that additional remote instruction beyond the five days required by~~
51 ~~subdivision (1) of this subsection is needed to ensure the health and safety of~~

students, a public school unit ~~providing may provide~~ remote instruction in accordance with the Plan developed pursuant to subsection (a) of this section ~~may use additional remote instruction days~~ as necessary to satisfy instructional time requirements. The public school unit shall ensure that it is in compliance with all required COVID-19 guidance related to the operation of elementary and secondary schools issued by the State Board of Education, Department of Public Instruction, and Department of Health and Human Services."

SECTION 3.(c) This section is effective when it becomes law.

PART IV. MODIFY USE OF SCHOOL NUTRITION FUNDS

SECTION 4. Subdivision (6) of Section 3.3 of S.L. 2020-4 reads as rewritten:

"(6) \$75,000,000 to the Department of Public Instruction for emergency school nutrition services provided in response to COVID-19 by public school units participating in the National School Lunch ~~Program or Program~~, School Breakfast ~~Program Program~~, or Summer Food Service Program from March 16, 2020, through ~~the end of the 2019-2020 school year~~. December 30, 2020. Funds for these services shall be allocated in the same manner as if the participating public school units were reimbursed by school meal receipts or federal funds."

PART V. LME/MCO EXPENDITURE FOR STUDENT BEHAVIORAL HEALTH NEEDS

SECTION 5. G.S. 122C-125.2(a) reads as rewritten:

"(a) Beginning on September 1, 2018, the Department shall calculate on a quarterly basis a solvency range for each LME/MCO as a sum of the following figures to produce upper and lower range values:

- (1) Incurred but not reported claims figure. – The incurred but not reported claims figure shall be calculated by multiplying an LME/MCO's service spending for the preceding 12 months by six and eight-tenths percent (6.8%). If an LME/MCO experiences extenuating circumstances supported by actuarial documentation, then the Department may utilize a percentage other than six and eight-tenths (6.8%) for that LME/MCO.
- (2) Net operating liabilities figure. – The net operating liabilities figure shall be calculated by subtracting noncash current accounts receivable from the nonclaims current liabilities, as reported on the LME/MCO's most recent balance sheet. If the noncash accounts receivable are greater than the nonclaim liabilities, then the value for the net operating liabilities figure is zero.
- (3) Catastrophic or extraordinary events range. – The catastrophic or extraordinary events range shall be calculated as the range between a lower figure and an upper figure. The lower figure shall be calculated by multiplying an LME/MCO's service expenditures from the preceding 12 months by four and fifteen-hundredths percent (4.15%). The upper figure shall be calculated by multiplying an LME/MCO's service expenditures from the preceding 12 months by eight and three-tenths percent (8.3%).
- (4) Required intergovernmental transfers figure. – The required intergovernmental transfers figure is the amount of funds needed by an LME/MCO to make any intergovernmental transfers required by law over the subsequent 24 months.
- (5) Projected operating loss figure. – The projected operating loss figure is the projected net loss for an LME/MCO over the subsequent 24 months. In

projecting the net loss for an LME/MCO, the Department shall use the net loss of the LME/MCO in the preceding 12 months adjusted for any changes in single-stream funding, intergovernmental transfers, or other factors known to the Department that will impact the LME/MCO's net loss over the subsequent 24 months. If a net profit is projected for an LME/MCO, then this figure is zero.

(6) Reinvestment plan figure. – The reinvestment plan figure is the amount required for all qualifying expenditures contained in an LME/MCO's reinvestment plans over the subsequent 36 months. To qualify as an expenditure under this subdivision, the expenditure must be related to one of the following:

- a. An initiative that supports specific goals or health status outcomes of the State in relation to the State's behavioral health needs.
- b. An initiative that meets a State behavioral health need, as defined in law or by the Department.
- c. Funding for infrastructure that supports the effective and efficient operation of the LME/MCO.
- d. Funding for a facility within the LME/MCO catchment area that is necessary to meet to the needs of the population served by the LME/MCO.
- e. New or expanded initiatives and programmatic improvements to the State behavioral health system.
- f. Working capital to be utilized to fund changes in rates, operations, or programs.
- g. Assistance to public school units within the LME/MCO catchment area for student behavioral health needs."

PART VI. CHANGE CHARTER SCHOOL REPORT DATE

SECTION 6. G.S. 115C-218.110(b) reads as rewritten:

"(b) The State Board of Education shall review and evaluate the educational effectiveness of the charter schools authorized under this Article and the effect of charter schools on the public schools in the local school administrative unit in which the charter schools are located. The Board shall report annually no later than ~~February 15~~ June 15 to the Joint Legislative Education Oversight Committee on the following:

- (1) The current and projected impact of charter schools on the delivery of services by the public schools.
- (2) Student academic progress in the charter schools as measured, where available, against the academic year immediately preceding the first academic year of the charter schools' operation.
- (3) Best practices resulting from charter school operations.
- (4) Other information the State Board considers appropriate."

PART VII. SUPERINTENDENT MAY APPROVE BONDS TO FINANCE OR REFINANCE A CHARTER SCHOOL FACILITY

SECTION 7. Article 14A of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-218.37. Public approval for private activity bonds.

(a) For purposes of this section, the following definitions shall apply:

- (1) Charter school facility. – Real property, personal property, or both that is used or intended for use in connection with the operation of a charter school.

(2) Applicable elected representative. – An elected official of a governmental unit having jurisdiction over the area in which a charter school facility is located, as defined in section 147(f)(2) of the Internal Revenue Code (26 U.S.C. § 147(f)(2)).

(b) The Superintendent of Public Instruction is hereby designated as an applicable elected representative who may approve the issuance of one or more private activity bonds to finance or refinance a charter school facility, after a public hearing following reasonable public notice, in accordance with section 147(f) of the Internal Revenue Code (26 U.S.C. § 147(f)) and applicable State and federal laws and regulations. Procedures for the public hearing shall be determined by the Superintendent of Public Instruction, and the public hearing shall be conducted by the Superintendent or his or her designee."

PART VIII. REVISE SCHOOL ADMINISTRATOR INTERN STIPEND

SECTION 8. If Senate Bill 818, 2019 Regular Session, becomes law, then Section 6(c) of that act reads as rewritten:

"SECTION 6.(c) Participants in an approved full-time master's in school administration program shall receive up to a 10-month stipend during the internship period of the master's program. The stipend shall be at the beginning salary of an assistant principal during the internship period of the master's program. The stipend shall not exceed the difference between the beginning salary of an assistant principal plus the cost of tuition, fees, and books and any fellowship funds received by the intern as a full-time student, including awards of the Principal Fellows Program. or, for a teacher who becomes an intern, at least as much as that person would earn as a teacher on the teacher salary schedule. The Principal Fellows Program or the school of education where the intern participates in a full-time master's in school administration program shall supply the Department of Public Instruction with certification of eligible full-time interns."

PART IX. FAFSA GRADUATION REQUIREMENT

SECTION 9.(a) G.S. 115C-12(9d)a. reads as rewritten:

"(9d) Power to Develop Exit Standards and Graduation Requirements. –

- a. The Board may develop exit standards that shall be required for high school graduation. The Board shall require the following for high school graduation:
 1. Successful completion of instruction in cardiopulmonary resuscitation as provided in G.S. 115C-81.25(c)(10).
 2. A passing grade in the semester course on the Founding Principles of the United States of America and the State of North Carolina described in G.S. 115C-81.45(d)(1).
 3. Completion and submission of the Free Application for Federal Student Aid (FAFSA) during each student's senior year, unless (i) the student's parent or legal guardian, or the student, if the student is an emancipated minor, submits a signed waiver certifying that the student understands what the FAFSA is and declines to complete it or (ii) the principal of the student's high school waives the requirement due to extenuating circumstances."

SECTION 9.(b) G.S. 115C-218.85(a) is amended by adding a new subdivision to read:

"(6) A charter school shall require completion and submission of the Free Application for Federal Student Aid (FAFSA) during each student's senior year as a graduation requirement in accordance with G.S. 115C-12(9d)a.3."

1 **SECTION 9.(c)** G.S. 115C-238.66(1) is amended by adding a new sub-subdivision
2 to read:

3 "f. The board of directors shall require completion and submission of the
4 Free Application for Federal Student Aid (FAFSA) during each
5 student's senior year as a graduation requirement in accordance with
6 G.S. 115C-12(9d)a.3."

7 **SECTION 9.(d)** Section 6(d) of S.L. 2018-32 is amended by adding a new
8 subdivision to read:

9 "(3a) G.S. 115C-12(9d)a.3., To require each senior to complete the FAFSA as a
10 graduation requirement."

11 **SECTION 9.(e)** Consistent with G.S. 115C-150.12 and G.S. 115C-150.13, the State
12 Board of Education shall adopt rules as necessary to implement the requirements of this section
13 for the Governor Morehead School for the Blind, the Eastern North Carolina School for the Deaf,
14 and the North Carolina School for the Deaf.

15 **SECTION 9.(f)** This section is effective when it becomes law. Subsections (a)
16 through (d) apply beginning with the 2020-2021 school year.

17
18 **PART X. EXTEND MAXIMUM GRANT TERM TO SIX YEARS FOR THE NORTH**
19 **CAROLINA TRANSFORMING PRINCIPAL PREPARATION PROGRAM**

20 **SECTION 10.(a)** G.S. 116-74.46(c)(1) reads as rewritten:

21 "(1) The duration of grants shall be as follows:

- 22 a. Grants shall be no more than ~~five~~six years and no fewer than two years
23 in duration, unless the Commission finds early termination of a grant
24 is necessary due to noncompliance with grant terms.
25 b. The Commission may renew a grant based on compliance with the
26 grant terms and performance, including allowing the grantee to scale
27 up or replicate the successful program as provided in subdivision (3)
28 of this subsection."

29 **SECTION 10.(b)** This section becomes effective July 1, 2020, and applies to grants
30 awarded or renewed on or after that date.

31
32 **PART XI. REQUIRE THE STATE BOARD OF EDUCATION AND THE UNIVERSITY**
33 **OF NORTH CAROLINA SYSTEM OFFICE TO STUDY LITERACY INSTRUCTION**

34 **SECTION 11.(a)** The State Board of Education, in consultation with The University
35 of North Carolina System Office, shall study the following:

- 36 (1) The teacher preparation practices of states where 4th grade National
37 Assessment of Educational Progress (NAEP) reading scores improved in
38 2019. At a minimum, the study shall analyze how the identified states address
39 the following:
40 a. The type and amount of literacy instruction provided to teacher
41 candidates.
42 b. Opportunities for practical application of literacy instruction prior to
43 completion of the educator preparation program.
44 c. Literacy training for educator preparation program instructors.
45 (2) How existing practices at constituent institutions compare with the practices
46 identified in subdivision (1).

47 **SECTION 11.(b)** As part of the study, the State Board of Education and The
48 University of North Carolina System Office shall review (i) The University of North Carolina
49 System Office's 2018 study entitled "Leading on Literacy: Challenges and Opportunities in
50 Teacher Preparation Across the University of North Carolina System" and (ii) any reports from
51 the State Board of Education's K-3 Literacy Task Force.

1 **SECTION 11.(c)** By February 15, 2021, the State Board of Education and The
2 University of North Carolina System Office shall submit a report on the results of the study
3 required by this section, along with their recommendations, to the Joint Legislative Education
4 Oversight Committee.

5
6 **PART XII. EFFECTIVE DATE**

7 **SECTION 12.** Except as otherwise provided, this act is effective when it becomes
8 law.